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Writer's Direct Dial Number:
214-999-4559
Direct Fax: 214-999-3559
eflores@gardere.com

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October 19, 2001

BOX: MISSING PARTS

Commissioner for Patents
Washington, D.C. 20231

Re: Inventors: Andrew D. Ellington, Jay Hesselberthm, Kristin A. Marshall, Michael P. Robertson, Letha Sooter, Eric Davidson, J. Colin Cox, and Timothy Reidel
U. S. Patent Application Entitled: REGULATABLE, CATALYTICALLY ACTIVE NUCLEIC ACIDS
Serial No.: 09/883,119
Filed: June 16, 2001
Our File No.: 119927-1050

Dear Sir:

Enclosed for filing please find the following items relating to the above-identified:

1. Response to Notice to File Missing Parts of Provisional Application (3 pp.);
2. Copy of Filing Receipt with Corrections Marked in Red Ink (3 pp.);
3. Part 2 - Copy of Notice to File Missing Parts of Provisional Application (2 p.);
4. Petition for Extension of Time (2 pp.);
5. Copy of Executed Declaration (9 pp.);
6. Drawings (37 pp.);
7. Two Checks one in the amount of **\$2,224.00** (filing fee) and one in the amount of **\$55.00** filing fee for (Petition for Extension of Time); and
8. Return postcard.

If you have any questions or comments concerning this matter, please call the undersigned at your earliest convenience. Otherwise, please accept the enclosed.

Respectfully submitted,

GARDERE WYNNE SEWELL LLP



Edwin S. Flores
Registration No. 38,453

ESF:llg
Enclosures

01/30/2002 HTECKLU1 00000070 09883119

01 FC:215

55.00 DP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application: Andrew D. Ellington, Jay Hesselberthm, Kristin A. Marshall, Michael P. Robertson, Letha Sooter, Eric Davidson, J. Colin Cox, and Timothy Reidel

Serial No. 09/883,119

Filed: June 16, 2001

For: REGULATABLE, CATALYTICALLY ACTIVE NUCLEIC ACIDS

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service, as First Class mail, in an envelope, with sufficient postage, addressed to: **BOX: MISSING PARTS**, Commissioner for Patents, Washington, D.C. 20231 on October 19, 2001.

BOX: MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

Signature

Linda L. Gibson

Typed or printed name of person signing certificate

Dear Sir:

**RESPONSE TO NOTICE TO FILE
MISSING PARTS OF APPLICATION**

In response to the Notice to File Missing Parts of Application mailed, August 16, 2001, a copy of which is returned herewith, Applicants respectfully submit this Response.

Declaration

As required by the Notice of Missing Parts of Application, Applicants hereby enclose a copy of the executed Declaration.

Correction of Filing Receipt

In connection with the above-referenced Patent Application, Applicants respectfully request that the inventor's name "Kris Marshall" be corrected to read --Kristin A. Marshall-- and that the inventor's name "Michael Robertson" be corrected to read --Michael P. Robertson--.

Additionally, please add the title of the application in the appropriate space on the Filing Receipt by inserting the words --REGULATABLE, CATALYTICALLY ACTIVE NUCLEIC

ACIDS--. Also, we have enclosed a copy of the Filing Receipt that reflects all of the changes to be made. These changes have been marked in **red ink**, for your convenience.

Substitute Drawings

Applicants respectfully submit substitute drawings (37 sheets) in compliance with 37 CFR 1.84.


Required Fees

Enclosed are two checks, one in the amount of \$2,224.00 to cover the surcharge filing fee and one in the amount of \$55.00 to cover the cost of the extension of time.

Conclusion

Applicants respectfully submit that all required parts for the application have now been filed and that no additional fees are required. It is believed that no other fees are necessary. However, if this is incorrect, the Commissioner is hereby authorized to deduct said fees from Deposit Account No. 07-0153.

Respectfully submitted,



Edwin S. Flores
Reg. No. 38,453

Dated: October 19, 2001

ATTORNEY FOR APPLICANTS

GARDERE WYNNE SEWELL LLP
3000 Thanksgiving Tower
1601 Elm Street
Dallas, Texas 75201-4761
(214) 999-4559
(214) 999-3559 (Fax)



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Page 1 of 3

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09 883,119	06/14/2001	Andrew D. Ellington	119927-1050

CONFIRMATION NO. 8203

FORMALITIES LETTER

GARDERE WYNNE SEWELL LLP
3000 Thanksgiving Tower
1601 Elm Street
Dallas, TX 75201

0000000006434209*

01/30/2002 HTECKLU1 00000070 070153 09883119

02 FC:201	370.00 OP
03 FC:205	65.00 OP
04 FC:203	1044.00 OP
05 FC:202	745.00 OP
53.00 CH	

Date Mailed: 08/16/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/30/2002 HTECKLU1 00000070 070153 09883119

FILED UNDER 37 CFR 1.53(b)

01 FC:215 55.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1804.
 - \$1044 for 116 total claims over 20.
 - \$760 for 19 independent claims over 3.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 2224.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
 - more than one figure is present and each figure is not labeled "Fig." with a consecutive

Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1));

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **17D** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the

application.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/883,119	06/14/2001	1653	0.00	119927-1050	37	136	22

CONFIRMATION NO. 8203

FILING RECEIPT

OC00000000434208

GARDERE WYNNE SEWELL LLP
3000 Thanksgiving Tower
1601 Elm Street
Dallas, TX 75201

Date Mailed: 08/16/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Andrew D. Ellington, Residence Not Provided;
Jay Hesselberth, Residence Not Provided;
~~Kris Marshall, Residence Not Provided;~~
Michael Robertson, Residence Not Provided;
Letha Sooter, Residence Not Provided;
Eric Davidson, Residence Not Provided;
J. Colin Cox, Residence Not Provided;
Timothy Reidel, Residence Not Provided;

*Kristin A. Marshall**P.*

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/212,097 06/15/2000

Foreign Applications

If Required, Foreign Filing License Granted 08/15/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

GARDERE WYNNE SEWELL LLP

AUG 16 2001

Title

Regulatable, catalytically active nucleic acids

Preliminary Class

435

Data entry by : ASGEDOM, GENET

Team : OIPE

Date: 08/16/2001

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231